

FILE COPY

November 14, 1979

Mr. Kenneth Millard
Vice President, General Counsel
Wham-O Manufacturing Company
835 East El Monte Street
San Gabriel, California 91778

Re: CPSC ID 80-16

Dear Mr. Millard:

The Product Defect Correction Division (Division) of the Consumer Product Safety Commission (Commission) has reviewed and evaluated the information you have provided, and has made a preliminary determination that the Wham-O Fun Fountain toy presents a substantial product hazard as defined in section 15 of the Consumer Product Safety Act, as amended (CPSA) (15 U.S.C. 2064). The basis for that preliminary determination is embodied in the Division's "Hazard Assessment Committee Recommendation for Preliminary Determination" (copy enclosed). Pursuant to Commission policy and procedure, we have opened an identification (ID) file in your name under ID 80-16.

The Commission believes it imperative that you now act voluntarily to notify consumers of potential hazards associated with their products and take whatever actions are necessary to correct potentially defective products which present a substantial risk of injury to the public. To this end, you are urged to submit to this Division a written corrective action plan within 15 days of receipt of this letter. The elements and purpose of a corrective action plan are set forth in 16 CFR 1115.20(a) (see pages 35003-04 of August 7, 1978 Federal Register notice). The plan you submit must include all of the elements found in 16 CFR 1115.20(a)(1).

146

Mr. Kenneth Millard
Wham-O Manufacturing Co.
Page Two

To be acceptable, a corrective action plan must convincingly demonstrate that the public will be protected from the hazard presented by the defect. For example, if only some units of a model or design are being addressed by the plan, you must explain why the plan is so limited. Any modifications or repairs to the product to eliminate the potential defect, or any changes in product design, quality control procedures or manufacturing operations to prevent recurrence of the potential defect will be reviewed and evaluated by the Commission's engineering staff to ensure that such actions are technically effective.

The plan must also provide for adequate notice to all consumers of this product and to persons in the distribution chain. The enclosed list (see Attachment 1) presents various forms which companies have used, depending upon the specific requirements of their situations, to give notice. This list is provided for your information and is not intended in any way to discourage you from proposing new and innovative alternative forms of notification.

Finally, all voluntary corrective action plans must provide for monthly progress reports to be submitted to the Commission Area Office listed below. Since the Commission will be monitoring the effectiveness of your plan at your firm and at various levels of your distribution network, customer lists must be submitted to or made available to a CPSC investigator upon request.

Upon receipt of your corrective action plan, the Division will review the proposal and discuss with you our suggestions and/or objections. If you do not submit a corrective action plan or if the Commission determines that a proposed plan does not adequately protect consumers, an administrative or judicial complaint under section 15 or 12 of the CPSA (15 U.S.C. 2064 or 2061) may issue. Adequate corrective action by you now will, in all likelihood, make it unnecessary for the Commission to make a formal determination that your product presents a substantial product hazard or to order your company to notify the public and to recall the product.

As stated previously, we believe that notice to the public is an essential element of any corrective action plan. To accomplish this, the Commission makes available to

147

Mr. Kenneth Millard
Wham-O Manufacturing Co.
Page Four

THE INFORMATION WILL BE RELEASED IF YOU DO NOT MAKE A
WRITTEN REQUEST FOR EXEMPTION IN ACCORDANCE WITH SECTION
1015.18.

Enclosed for your information is a copy of the Division's "Preliminary Determination Under Section 15 of CPSA" which contains the name of your firm, the identity of the consumer product, the nature of the alleged defect and the staff's preliminary determination. This form is available to the public in the Commission's Public Reading Room, and the information it contains may be used in publications produced by the Commission.

Also enclosed for your information is a copy of the Division's "Hazard Assessment Committee Recommendation for Preliminary Determination." This memorandum will also be forwarded to the Commission's Public Reading Room after it has been purged of any information for which your company has previously claimed or now claims confidentiality. Please review the Hazard Assessment Committee memorandum enclosed, purge out the information for which exempt status is claimed (such as alleged trade secrets, confidential commercial or financial information) and return a copy to this Division within ten days from receipt of this letter. If exempt status is claimed for any information contained in this memorandum follow the procedures outlined in Section 1015.18(c) of the enclosed Federal Register notice of February 22, 1977. If a previous claim for confidentiality has already been made in accordance with Section 1015.18(c), please note the date of such claim in your response. FAILURE TO RESPOND WITHIN TEN (10) WORKING DAYS FROM RECEIPT OF THIS LETTER WILL BE CONSIDERED AN ACKNOWLEDGMENT THAT YOU DO NOT WISH TO CLAIM EXEMPT STATUS FOR ANY INFORMATION CONTAINED IN THE ENCLOSED HAZARD ASSESSMENT COMMITTEE MEMORANDUM.

Additionally we request that you submit within 15 days the information outlined in 16 CFR 1115.13(d), which has not previously been supplied (see p. 35002 of Federal Register notice dated August 7, 1978).

148 / 58

Mr. Kenneth Millard
Wham-O Manufacturing Company
Page Five

If you seek assistance in meeting your obligations or in responding to this letter, your contact with the Hazard Correction Branch will be Sandra Shimasaki (telephone number 301/492-6608). Thank you for your cooperation in this matter.

Sincerely,

Frank B. Pipkin, Chief
Hazard Correction Branch
Product Defect Correction Division

Enclosures
CERTIFIED MAIL

U.S. Consumer Product Safety Commission
Los Angeles Area Office
3660 Wilshire Blvd. No. 1100
Los Angeles, California 90010

cc: LOS ANG AO
ES
CEPD
C&E

med

149

Mr. Kenneth Millard
Wham-O Manufacturing Co.
Page Three

the public an ongoing list of corrective action plans being implemented by firms. Additionally, the Commission customarily issues a press release and/or undertakes mailings to the public unless all consumers of a potentially defective product can be reached by direct mailing or some other effective means. We invite and encourage you to join with the Commission in any such release and/or mailing. If time delays are encountered in trying to give a satisfactory notice, the Commission may release information concerning your company and the product hazard to the public.

In accordance with section 6(b) of the CPSA (15 U.S.C. 2055(b)), this letter constitutes notice of the Commission's intention to release certain factual information (see Attachment 2) to the public via its ongoing list of corrective action plans and via, if necessary, a press release.

If your company has any comments or objections to these facts or to their release to the public, you must state them specifically and in writing and submit them to this Division within twenty days from receipt of this letter. Failure to comment or object in writing will be deemed consent to the release of this information and agreement that the information is accurate. Additionally, the Commission reserves its statutory right under section 6(b) to find that the public health and safety requires a lesser period of notice and to issue a press release or other disclosure in fewer than thirty days.

If you desire confidential treatment of any of the information provided this Division, please read carefully the enclosed Federal Register notice of February 22, 1977, concerning the Freedom of Information Act, paying close attention to section 1015.18 (see page 10494). In addition, please read carefully the enclosed Federal Register notice of August 7, 1978, especially section 1115.15 concerning confidentiality and disclosure of data (see page 35003) and the discussion of confidentiality in the preamble to the regulation (see pages 34995-96). FAILURE TO REQUEST -- EITHER AT THE TIME OF THE SUBMISSION OR WITHIN TEN (10) WORKING DAYS OF THE SUBMISSION -- THAT THE INFORMATION BE CONSIDERED EXEMPT FROM DISCLOSURE WILL BE CONSIDERED AN ACKNOWLEDGMENT THAT YOU DO NOT WISH TO CLAIM EXEMPT STATUS.

150

FILE COPY

COMPANY: Wham-O Manufacturing Company

COMPANY ADDRESS: 835 East El Monte Street
San Gabriel, California 91778

PRODUCT DESCRIPTION: The Wham-O Fun Fountain toy is a water toy consisting of a clown head and hat. The clown head portion is attached to the garden hose. When water is turned on, a stream of water shoots out of a nozzle in the top of the clown head. The clown hat is held suspended in the air by the force of the stream of water and can rise up to 15 feet depending on the water supply pressure. The toy can be used with or without the hat.

BRAND NAME: Wham-O

MODEL AND/OR SERIAL NUMBERS: Stock number 237

PRODUCTION AND/OR DISTRIBUTION DATES: 1977, 1978 and 1979

PRODUCTION DATE CODES: None

NUMBER OF PRODUCTS INVOLVED: Of 523,118 units produced, approximately 509,000 units have been sold and shipped.

DEFECT AND HAZARD: The staff believes the Fun Fountain toy is designed such that it invites children to look into the nozzle and that the force with which the water can come through the nozzle is such that it may cause eye injury upon impact. Other injuries may occur as a result of sitting on the stream of water shooting out of the toy.

INCIDENTS OR INJURIES ASSOCIATED WITH THE PRODUCT (NUMBER AND SEVERITY): Two reported incidents of eye injury (hyphema) to children who were struck in the eye from the stream of water coming out of the nozzle of the toy.

Also two reported safety-related complaints which occurred as the result of the child allegedly sitting on the clown head (hat removed) over the stream of water. These children reportedly suffered minor or no injury.

COMPANY ACTION: Design changes for future production. Other remedial action to be determined.

151 / 10

PRELIMINARY DETERMINATION UNDER SECTION 15 OF CPSA

PRODUCT DEFECT CORRECTION DIVISION

FILE COPY

Report Number HEB 79-2362 Date Reported _____
Identification File Number ID 80-16 Date Determined Nov. 5, 1979
CEPD Contact S.C. Shimasaki
PRODUCT AND BRAND NAME Wham-O Fun Fountain
SOURCE: X Manufacturer/Importer _____ Retailer _____
_____ Distributor _____ Other (Specify) _____

Name of Firm: Wham-O Manufacturing Co.
Address: 835 East El Monte Street
San Gabriel, California 91778

Name of Contact with Firm Ken Millard Tel. 213/287-9681

POSSIBLE DEFECT OR NONCOMPLIANCE: The staff believes the Fun Fountain toy is
designed such that it invites children to look into the nozzle and that the force
with which the water can come through the nozzle is such that it may cause eye injury
upon impact
POTENTIAL HAZARD: Other injuries may occur as a result of sitting on the stream
of water shooting out of the toy.

STAFF DECISION:

- X Preliminary determination that substantial hazard exists and remedial action should be undertaken.
_____ Preliminary determination that risk of injury exists and remedial action offered by firm be monitored.
_____ Preliminary determination not to proceed because:
_____ Information presently available does not indicate the existence of a defect.
_____ Information presently available does not indicate the existence of a substantial product hazard.
_____ Information does not indicate further Commission investigation to be undertaken at this time.
_____ Information has been referred to _____.
_____ Other _____

152 127

UNITED STATES GOVERNMENT

U.S. CONSUMER PRODUCT
SAFETY COMMISSION

Memorandum

TO : FILE
Through: Catherine C. Cook, Director, CEPD CCC
Through: Hazard Assessment Committee *FBP*
FROM : Sandra C. Shimasaki, Project Officer, CEPD *SC*
DATE: November 13, 1979
SUBJECT: Hazard Assessment Committee Recommendation for Preliminary
Determination for HEB 79-2362; Wham-O Manufacturing Company,
San Gabriel, California; Fun Fountain Water Toy

Recommendation

The Hazard Assessment Committee (HAC) believes the Fun Fountain water toy presents a substantial product hazard and recommends corrective action be sought.

Product

The Wham-O Fun Fountain toy is a water toy consisting of a clown head and hat. The clown head portion is attached to the garden hose. When water is turned on, a stream of water shoots out of a nozzle in the top of the clown head. The clown hat is held suspended in the air by the force from the stream of water and can rise up to 15 feet depending on the water supply pressure. The toy can be used with or without the hat.

Date of Investigation

The Hazard Evaluation Branch (HEB) of CEPD wrote to Wham-O Manufacturing Co. on August 1, 1979 with respect to a CPSC in-depth investigation (IDI). The IDI involved a 6-year old child who suffered an eye injury from the pressurized stream of water coming from the Fun Fountain toy. A closed meeting was held with representatives of Wham-O on October 23, 1979 to discuss the matter.

Date of Meeting

October 23, 1979

RESTRICTED - NOT FOR PUBLIC RELEASE
This document contains PROPRIETARY
data on page(s) 2
Initial SC Date 1-8-80

153
1/8/79

Defect

1. Defect Identified: The staff believes the Fun Fountain toy is designed such that it invites children to look into the nozzle and that the force with which the water can come through the nozzle is such that it may cause eye injury upon impact.

2. Assessment: The HAC considered the product to contain a defect(s).

Risk of Injury

1. Pattern of Defect: The HAC considered the defect to arise from the design of the product and would manifest itself when the clown head is being used without the hat, and under certain use conditions which the Committee considered foreseeable.

2. Number of Products Involved: Of the 523,118 units produced in 1977, 1978 and 1979, 508,970 units have been sold and shipped.

3. Severity of Risk

(a) Seriousness of injury - The HAC believes the most serious injury could be eye damage. There have been two reports of eye injuries (hyphema) to children. Hyphema is described as capillary bleeding in the anterior chamber of the eye. According to Dr. Fisher (medical consultant to Wham-O) and Dr. Esch (CPSC), that level of water velocity which would do measurable damage to the eye is, at present, a subjective measurement.

Other injuries may and have occurred as a result of sitting on the stream of water shooting out of the toy.

(b) Likelihood that injury would occur - The Commission investigated an incident where a 6-year old child sustained hyphema in his left eye. He was apparently leaning over the clown head when the water faucet was turned on and consequently the stream of water struck the victim in the eye or eyes.

RESTRICTED

154

[Handwritten signature]

Wham-O received an additional report of a child sustaining hyphema to his eye. Wham-O reports the hose may have been kinked and then let out while the child's face was over the toy. Consequently, the stream of water hit the child in the eye.

Wham-O reported two other safety-related complaints which occurred as the result of the child allegedly sitting on the clown head (hat removed) over the stream of water. These children reportedly suffered minor or no injury.

The HAC recognizes that the Fun Fountain designed as a clown's head makes it appealing and attractive to children. It is believed that such a toy would invite the curiosity of children to explore how the toy works, i.e., to find out where the water is coming from.

If the child's face is over the toy, under certain circumstances (e.g., when the water was turned on or when the hose was unbent after being kinked while the water was on, or other possible scenarios) eye injury could result from the stream of water hitting the eye.

The HAC considered the likelihood of injury as not improbable.

(c) Assessment - The HAC considered the severity of risk as moderately high since the population group exposed is children and eye injury could occur.

4. Other Considerations: After discussions with the representatives from Wham-O, the HAC believes that the Fun Fountain toy could be made safer for use by children (existing and future production units) without imposing an undue economic burden on the company.

5. Assessment of Substantiality of Risk: Based on the pattern of defect in a large number of products, the moderately high severity of risk to children and the economic considerations, the HAC assessed the risk of injury as substantial.

155

~~155~~

FILE - Page 4

Hazard Assessment Committee Members

Catherine C. Cook
John O'Connor
Frank B. Pipkin 713P
Ed Pascarella
Tony Rossi
Mel Kramer
Betty Fees 67
Sandi Shimasaki

156

Holt

Millard/Shimazaki

11-6-79

16 week lead time to tool the
retrofit part

Let him know tomorrow time frame
for ES answer

Kerbenbush/Shimazaki

11-7-79

Told Kerbenbush we need sample
today.

Our engineers will finish measurements
end of this week & then we'll consult
w/ medical people.

Kerbenbush suggested our medical person
observe the test

157

✓

Millard / Kirkbrish / Shimazaki

Nov. 5, 1979

Have come up w/ a prototype part that
can be installed in old model.

Snaps in -- permanent
same washer
same limited limiting effect
get $3\frac{1}{2}$ gal/min

Another old unit -- along with limiting device
will be sent to me.

Told him of our preliminary determination
letter coming, HAC memo, PD sheet

Discussed the process re: vol CAP / hearing

He asked that I let him know
timetable on engineering change review

158

160

Sandy

2:20
PM

William - Mr. Millard
called -
213-287-9681

He's where we are with
the fun fountain -

He is going to lunch but
would like a call back

after 3²⁰ PM our time or at
your convenience this P.M. -

B 169

Sandy I

I called him late to advise
you would call on Monday

B 159

Closed Meeting 10am-C Sat 23, 1971
Ken Millard, Dale Korkenbosh, Bob Fischer
CCC, FP, JCC, TR, MK, SS, BF, Dr Esch, E. Berman

1/2 million products - Fox Fountain
2 1/2 years production
Generally test market for 1 year

Total of 4 incidents

- 1) 3 CPSC knows of
- 2) 1 additional eye injury since last incident

Dr. Fischer

- 1) Boy sat on toy
through panties
- 2) Girl sat on toy
bleed on panties, doctor, abrasion
- 3) CPSC IDI - high water pressure
Impact to center of eye; Capillary
bleeding into anterior chamber of eye
Hyphema - 5%
Condition cleared in a couple of days
No evidence of high ~~pressure~~ pressure
in eye

160

- 4) Hose may have been linked
Dr. Michael Golden - Mass
Simula incident
Child put in hospital
7 year old boy

State ophthalmologists don't know how
much pressure eye can take
Millard's ophthalmologist has not seen ^{any} water
injuries to eye

Millard maintains some hazard as with
garden hose

Millard states they do not believe there
is a hazard but out of abundance
of caution Wilmie is doing the following:

- 1) Put Warnings on product - question
does putting warning on encourage such use
- 2) Design Change for 1980
Recommended subsequent to CEPD's investigation

Product Prototype was shown

David Ferkentbach

161

71

Older design operate as low as 25 psi water pressure

New design incorporates Flow Control
25 psi to 100 psi
3 1/2 gallons per minute through device
25 psi (3 1/2 gal per min) sufficient to
elevate hat a 12 feet
125 psi entering, still have 3 1/2 gal
per minute out nozzle

Range 20 - 120 psi water pressure across
Country

Flow control valve is a permanent fixture
Have not checked out possibility of using
flow control valves as retrofit

~~Kellogg~~
Original design For water pressure
25 psi to 120 psi you'd get
3 1/2 to 7 gallons per minute
respectively out of nozzle

Millard - Good sell through, Don't
believe many on retail shelves

Going into production Dec or
So

End of Memo

162

maybe June for local areas

New artwork, Precautions on new design packaging

Kept pictograms on down face to a minimum due to potential injuries of falling on it.

C. would not estimate the life of product
Fickenshank said they are testing the low control valve for fatigue failure.

Fir Fountain is currently their only water toy although another one is under consideration

Discussion of winning press release
Possible retrofit for units in field

Millard said:

- 1) Will go forward w/ new design, CEFDM to let channel know if we have problems
- 2) Will consider retrofit to be offered through retailers, take up w/ magnet

Memorandum

TO : File

DATE: October 23, 1979

FROM : Betty Fees, HEB/CEPD

SUBJECT: HEB 79-2362
Wham-O Manufacturing Co.

On October 23, 1979 a closed meeting was held with the designated Wham-O representatives as scheduled. Mr. Millard stated that subsequent to their last contact with CEPD, they had received another report concerning an eye injury (hyphema) involving the hospitalization of a 7 year old boy. This condition was characterized by Dr. Fisher as capillary bleeding in the anterior chamber of the eye. Dr. Fisher indicated that upon his follow up to the injury report, information presently available did not suggest any permanent injury. He added that information on the current incident suggested the involvement of a kinked garden hose. Mr. Millard explained that Dr. Fisher was a consultant to their firm and all reports of injuries resulting from the use of their ~~products~~ ^{product} were referred to him for follow-up and evaluation. Dr. Fisher advised that in light of the two reported injuries he had spoken with members of the Maryland State Ophthalmologist Association and the general conclusion was there was no scientifically derived data which would indicate a threshold for eye injury from applied hydraulic pressure. Mr. Millard equated the eye injury with the possible misuse of a common garden hose. Dr. Esch stated the distinction was rather graphic as the fun fountain was designed as a clown's head making it appealing and attractive as a child's toy as opposed to the utilization of a garden hose. He opined that the extent of injuries rather clearly reflected excessive water velocity.

Mr. Millard stated his firm did not feel the product presented a substantial product hazard, but following CEPD's request for a sample of the fun fountain, and out of an abundance of caution, certain modifications were ^{being} considered which included:

- Precautionary language (to be determined)
 - Introduction of a flow control valve at the hose connection.
- 174

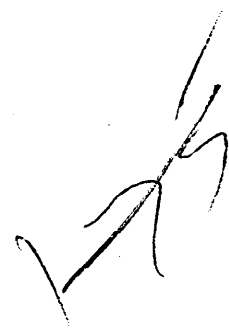
The precautionary language was still to be determined since instructions such as, not to sit on the clown's head or not to look into the clown's head were felt to be possibly too suggestive to children. Placement of the language, i.e., on the unit or added to the packaging was also undecided at this time.

164

Mr. Kerkenbush, Director of Research and Development, presented the prototype clown's head containing the flow control valve. He explained the purpose of the valve was to regulate the rate of flow of the water velocity from 7-7 1/2 gallons per minute to 3 1/2 gallons per minute. This would coincidentally reduce the height of the water stream from an estimated 15 feet to 10-12 feet. Mr. Kerkenbush indicated any less reduction of the water velocity would in essence eliminate the toys purposefulness or function.

Mr. Millard stated that all new production on this toy which generally began in December could incorporate the design change including some identification factor that would distinguish it from earlier production. He stated this toy was generally distributed by May. Mr. Kerkenbush advised he would ascertain from his technical staff as to whether or not the flow control valve could be designed for incorporation in the units already in distribution and in inventory. He thought there were 10-15,000 units in inventory and if a retrofit could not be effected there remained the option of exportation.

Mr. Kerkenbush turned over mechanical drawings and the prototype clown head to CEPD staff members for review. Mr. Millard agreed to forward their proposals in written communication to HEB.



165

UNITED STATES GOVERNMENT

U.S. CONSUMER PRODUCT
SAFETY COMMISSION

Memorandum

TO : File
Through: Catherine C. Cook, Director, CEPD CCC

FROM : John K. O'Connor, Chief, HEB/CEPD

SUBJECT: Closed Meeting

DATE: October 22, 1979

Pursuant to section 15 policy, a closed meeting was requested by Wham-O (HEB 79-2362) concerning a "Fun Fountain" water toy. This office has made the following arrangements:

Date: October 23, 1979

Time and Place: 10:00 a.m. - Room 436 (WTB)

Attendees: Kenneth A. Millard, Vice President
General Counsel, Wham-O
Darle Kerkenbush, Director of Research
and Development, Wham-O
Dr. Russell Fisher, Chief Medical Examiner
for State of Maryland

Catherine C. Cook
Frank Pipkin
John O'Connor
Ed Pascarella
Mel Kramer
Sandi Shimasaki
Tony Rossi
Betty Fees
Dr. Al Esch
ELAINE BESSANT

176
166.

10/18/79

Dr. Al Esch met with John
G'Connor, Dr. HEB & the writer to
discuss the Wham-o fun fountain -
Dr Esch stated the water pressure
arising from the use of this toy would
pose a hazard and could create
injury to that part of a child's
anatomy where the water pressure
would be applied such as in the instance
of the children sitting on the crown
Heard. He agreed to attend the
scheduled meeting with Wham-o
on 10/23/79.

Lee

177

167

Memo to the File

10/17/79

The writer received a telephone call from Mr. Kenneth Willard, VP - General Counsel, Urban-O Company. Mr. Willard stated that he would like to come into CPSC to discuss the fountain accompanied by Mr. ^{only} Wickenbush, Urban-O and Dr. Russell Fisher, Chief, Medical Examiner for the State of Maryland. He stated he wanted CPSC to know what they were doing with the product i.e. changing the warning on the product and altering the design. Mr. Willard advised they would bring in a prototype for discussion. ^{i.e.} Synthesized he did not believe the fountain represented a substantial product hazard. He explained that Dr. Fisher provided them with professional advice on product design etc. Dr. Fisher would be available to accompany him to Washington on Oct 22 - 24 should a meeting be arranged. The writer stated she would determine with other staff members the most convenient date to meet and call him on 10/18/79 for confirmation of the date -

168 ~~Feas~~

Mr. Willard telephoned the writer on 10/18/79
- a meeting was arranged for 10:00 AM on 10/23/79.

HAC meeting

Oct 17, 1979

When - D - Clean Hat

HAC decided to table it -

- 1) Let sample in
- 2) Let hazard data from HIA

Mel, Frank
John, Ed
Betty, Sandy
Tony, R.

1. [unclear] [unclear] 1/1/79

1. [unclear] [unclear] [unclear]

2. [unclear] [unclear] [unclear]

169

PK

10/16/77

The writer telephoned Mr. Kenneth
Millard, VP-GC to request a sample
of the ~~fun fountain~~ to assist the
staff in evaluating the product.

Sample of Fun Fountain Rec'd. 10/17/77

Free

170 / 80

10/11/79

The writer on this date requested
Ron Medford, HI-I to examine
the hazard data systems and forward
any information on the Urban - O Fun
Fountain water tank, model no. 237.
Zee

Hazard Data provided 10/17/79

171 / 41

September 6, 1979

Mr. Kenneth A. Millard
Vice President, General
Counsel
Wham-O Manufacturing Co.
835 East El Monte Street
San Gabriel, California 91778

Re: CPSC HEB 79-2362

Dear Mr. Millard:

In reply to your correspondence of August 8, 1979, we are enclosing for your review a copy of in-depth investigation no. 790611MIN5002, which was the subject of our correspondence of August 1, 1978 addressing an eye injury resulting from the use of a Wham-O Fun Fountain, stock no. 237, manufactured by your firm. We regret we are not at liberty to provide the identity of the individuals involved in this incident.

Thank you for your cooperation in this matter.

Sincerely yours,

John K. O'Connor, Chief
Hazard Evaluation Branch
Product Defect Correction Division

By: Betty L. Fees
Hazard Evaluation Branch

Enclosure

172